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8 Attorneys for Plaintiff
AMERICAN LAND TITLE ASSOCIATION

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 AMERICAN LAND TITLE
13 ASSOCIATION, a nonprofit District of
Columbia corporation,

14 Plaintiff,

15 v.

16 GREAT AMERICAN INSURANCE
17 COMPANY, an Ohio corporation;
GREAT AMERICAN ASSURANCE
18 COMPANY, an Ohio corporation;
AGRICULTURAL INSURANCE
19 COMPANY, a South Dakota corporation;
GROUP9, INC., a Pennsylvania
20 corporation; SEATTLE SPECIALTY
INSURANCE SERVICES, INC., a
21 Washington corporation; ZURICH
NORTH AMERICAN, an Illinois
22 corporation; ZURICH AMERICAN
INSURANCE COMPANY, a New York
23 corporation; FIDELITY & DEPOSIT
COMPANY OF MARYLAND, a
24 Maryland corporation; COLONIAL
AMERICAN CASUALTY AND
25 SURETY COMPANY, a Maryland
corporation; EMPIRE INDEMNITY
26 COMPANY, an Oklahoma corporation;
TRAVELERS INDEMNITY COMPANY
27 OF AMERICA, a Connecticut
corporation; GUARANTY NATIONAL
28 INSURANCE COMPANY, a Colorado

No. C 05 4365 PJH

STIPULATION FOR CONTINUANCE OF
HEARING ON DEFENDANTS' MOTIONS
TO DISMISS AND CASE MANAGEMENT
CONFERENCE; ORDER THEREON

Date Complaint Filed: October 26, 2005

1 corporation; DEERFIELD INSURANCE

2 COMPANY, an Illinois/Connecticut
 3 corporation; SAFECO INSURANCE
 4 COMPANY, a Washington corporation;
 5 SAFECO FINANCIAL INSTITUTION
 6 SOLUTIONS, INC., a California
 7 corporation; NORTH AMERICAN
 8 CAPACITY INSURANCE COMPANY,
 9 a New Hampshire corporation;
 10 BANCINSURE, INC., an Oklahoma
 11 corporation; and MATTERHORN
 12 FINANCIAL SERVICES, INC., a
 13 Maryland corporation,

14 Defendants.

15 Pursuant to Local Rule 6-2, Plaintiff American Land Title Association ("Plaintiff")
 16 and defendants Deerfield Insurance Company, Great American Insurance Company, Great
 17 America Assurance Company f/k/a Agricultural Insurance Company, Group9, Inc., Seattle
 18 Specialty Insurance Services, Inc., Zurich North American, Zurich American Insurance
 19 Company, Fidelity & Deposit Company of Maryland, Colonial American Casualty and Surety
 20 Company, Empire Indemnity Insurance Company, Travelers Indemnity Company of America,
 21 North American Capacity Insurance Company, Guaranty National Insurance Company,
 22 Bancinsure, Inc., and Matterhorn Financial Services, Inc. (collectively, "Defendants"), hereby
 23 stipulate to the following:

- 24 1. Plaintiff filed a Complaint for declaratory and injunctive relief on October
 25 26, 2005;
- 26 2. Plaintiff and defendants Great American Insurance Company, Great
 27 America Assurance Company f/k/a Agricultural Insurance Company, and
 28 Group9, Inc. agreed by stipulation filed with this Court that the time period
 for any defendant to answer or otherwise respond to the Complaint was
 extended to January 17, 2006;
3. With the exception of Deerfield Insurance Company, Defendants filed
 and/or joined in five Motions to Dismiss the Complaint (collectively, the

1 “Motions”) on January 17, 2006. The Motions are presently scheduled to
2 be heard by the Court on February 22, 2006.

- 3 4. Plaintiff and Defendants agreed that good cause existed to continue the
4 February 22, 2006, hearing date on the Motions, until April 19, 2006, to
5 allow the parties and this Court sufficient time to address the issues
6 presented in the Motions, wherein Plaintiff’s opposition to the Motions
7 would be due on March 1, 2006, and Defendants’ reply papers to the
8 Motions would be due on April 12, 2006.
- 9 5. The initial Case Management Conference in this matter is presently
10 scheduled for 2:30 p.m. on February 23, 2006.
- 11 6. On January 25, 2006, counsel for Plaintiff and Defendants participated in a
12 joint telephone conference pursuant to the meet and confer requirements
13 set forth in FRCP 26, FRCP 16, Civil L.R. 16-9 and this Court’s “Order
14 Setting Case Management Conference and Requiring Joint Case
15 Management Statement”. In light of the pending Motions, Plaintiff and
16 Defendants stipulated that good cause existed to continue the initial Case
17 Management Conference until approximately three weeks after the hearing
18 on the Motions (i.e., until May 11, 2006), and, to accordingly, to continue
19 all dates that correspond to the initial Case Management Conference (e.g.,
20 dates to meet and confer regarding initial disclosures, early settlement,
21 ADR stipulation and discovery plans).
- 22 7. On or about January 31, 2006, the initial “Stipulation for Continuance of
23 Hearing on Defendants’ Motions to Dismiss and Case Management
24 Conference; Order Thereon” was filed with the court, setting forth the
25 above-agreed dates corresponding to the hearing (and briefing) on the
26 Motions and to the Case Management Conference.
- 27 8. On or about February 1, 2006, the court contacted Plaintiff’s counsel and
28 requested that the hearing date be continued an additional two weeks.

1 Upon consultation with the schedule of all parties in this case, and with
2 concurrence of the court, Plaintiff and Defendants stipulate that the hearing
3 shall be continued until May 10, 2006, and that the CMC and related dates
4 should be continued three weeks (in accord with the three-week
5 continuance of the hearing date).

6 NOW THEREFORE, Plaintiff and Defendants, by and through their respective counsel, hereby
7 stipulate and agree to the following schedule regarding: (1) defendant Deerfield Insurance
8 Company's response to Plaintiff's Complaint, (2) briefing and hearing of the Motions, and (3) the
9 initial Case Management Conference and its related scheduling requirements:

- 10 1. Defendant Deerfield Insurance Company shall have to, and including,
11 February 20, 2006 to file and serve its response to Plaintiff's Complaint.
- 12 2. The hearing date on Defendants' Motions shall be continued from February
13 22, 2006, until May 10, 2006.
- 14 3. Plaintiff shall have to, and including, March 1, 2006 to file and serve its
15 papers in opposition to the Motions.
- 16 4. Defendants shall have to, and including, April 12, 2006 to file and serve
17 their reply papers in support of the Motions.
- 18 5. The initial Case Management Conference in this matter shall be continued
19 from February 22, 2006, until June 1, 2006.
- 20 6. The last day to meet and confer regarding initial disclosures, early
21 settlement, ADR process selection and discovery plans shall be May 15,
22 2006.
- 23 7. The last day to file joint the ADR certification with stipulation to the ADR
24 process, or the notice of the need for an ADR conference, shall be May 15,
25 2006.

1 8. The last day to complete the initial disclosures, or to state objections in a
2 FRCP Rule 26(f) Report, the last day to file and serve the initial Case
3 Management Statement, and the last day to file and serve the FRCP 26(f)
4 Report shall be May 25, 2006.

5 IT IS SO STIPULATED.

6 Dated: February 7, 2006

MILLER, STARR & REGALIA

7
8 By: 

9 MATTHEW C. HENDERSON
10 Attorneys for Plaintiff
11 AMERICAN LAND TITLE
ASSOCIATION

12 Dated: February __, 2006

McMANIS FAULKNER & MORGAN

13
14 By: _____

15 JAMES McMANIS
16 Attorneys for Defendant
17 GROUP9, INC.
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1 8. The last day to complete the initial disclosures, or to state objections in a
2 FRCR Rule 26(f) Report, the last day to file and serve the initial Case
3 Management Statement, and the last day to file and serve the FRCR 26(f)
4 Report shall be May 25, 2006.

5 IT IS SO STIPULATED.

6 Dated: February __, 2006

MILLER, STARR & REGALIA

7
8 By: _____

9 MATTHEW C. HENDERSON
10 Attorneys for Plaintiff
11 AMERICAN LAND TITLE
12 ASSOCIATION

13
14 Dated: February 7, 2006

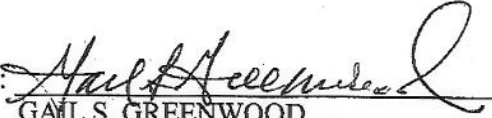
McMANIS FAULKNER & MORGAN

15 By: _____

16 JAMES McMANIS
17 Attorneys for Defendant
18 GROUP9, INC.
19
20
21
22
23
24
25
26
27
28

1 Dated: January 31, 2006

FRIEDMAN DUMAS & SPRINGWATER LLP

2
3 By: 
4 GAIL S. GREENWOOD
5 Attorneys for Defendants GREAT
6 AMERICAN INSURANCE COMPANY,
7 GREAT AMERICAN ASSURANCE
8 COMPANY f/k/a AGRICULTURAL
9 INSURANCE COMPANY, and SEATTLE
10 SPECIALTY INSURANCE SERVICES,
11 INC.

12 Dated: January __, 2006

CARLSON, CALLADINE & PETERSON LLP

13 By: _____
14 EDWARD F. DONOHUE
15 Attorneys for Defendants MATTERHORN
16 FINANCIAL SERVICES, INC. and
17 BANCINSURE, INC.

18 Dated: January __, 2006

GIBSON DUNN & CRUTCHER LLP

19 By: _____
20 KIRK A. PATRICK
21 Attorneys for Defendants ZURICH
22 AMERICAN INSURANCE COMPANY,
23 FIDELITY & DEPOSIT COMPANY OF
24 MARYLAND, COLONIAL AMERICAN
25 CASUALTY AND SURETY COMPANY,
26 and EMPIRE INDEMNITY INSURANCE
27 COMPANY

28 Dated: January __, 2006

BARGER & WOLEN LLP

By: _____
LARRY M. GOLUB
Attorneys for Defendants THE
TRAVELERS INDEMNITY COMPANY
OF AMERICA, NORTH AMERICAN
CAPACITY INSURANCE COMPANY,
and GUARANTY NATIONAL
INSURANCE COMPANY

AMLT44766650622.2

STIPULATION TO HEARING ON MOTIONS TO DISMISS,
ETC.; ORDER (No. C 05 4365 PJH)

1 Dated: February __, 2006

FRIEDMAN DUMAS & SPRINGWATER LLP

2
3 By:

4 GAIL S. GREENWOOD
5 Attorneys for Defendants GREAT
6 AMERICAN INSURANCE COMPANY,
7 GREAT AMERICAN ASSURANCE
8 COMPANY f/k/a AGRICULTURAL
9 INSURANCE COMPANY, and SEATTLE
10 SPECIALTY INSURANCE SERVICES,
11 INC.

12 Dated: February 6, 2006

CARLSON, CALLADINE & PETERSON LLP

13 By:

14 EDWARD F. DONOHUE
15 Attorneys for Defendants MATTERHORN
16 FINANCIAL SERVICES, INC. and
17 BANCINSURE, INC.

18 Dated: February __, 2006

GIBSON DUNN & CRUTCHER LLP

19 By:

20 KIRK A. PATRICK
21 Attorneys for Defendants ZURICH
22 AMERICAN INSURANCE COMPANY,
23 FIDELITY & DEPOSIT COMPANY OF
24 MARYLAND, COLONIAL AMERICAN
25 CASUALTY AND SURETY COMPANY,
26 and EMPIRE INDEMNITY INSURANCE
27 COMPANY

28 Dated: February 4, 2006

BARGER & WOLEN LLP

By:

LARRY M. GOLUB
Attorneys for Defendants THE
TRAVELERS INDEMNITY COMPANY
OF AMERICA, NORTH AMERICAN
CAPACITY INSURANCE COMPANY,
and GUARANTY NATIONAL
INSURANCE COMPANY

1 Dated: February __, 2006

FRIEDMAN DUMAS & SPRINGWATER LLP

2
3 By: _____

4 GAIL S. GREENWOOD
5 Attorneys for Defendants GREAT
6 AMERICAN INSURANCE COMPANY,
7 GREAT AMERICAN ASSURANCE
8 COMPANY f/k/a AGRICULTURAL
9 INSURANCE COMPANY, and SEATTLE
10 SPECIALTY INSURANCE SERVICES,
11 INC.

12 Dated: February __, 2006

CARLSON, CALLADINE & PETERSON LLP

13 By: _____

14 EDWARD F. DONOHUE
15 Attorneys for Defendants MATTERHORN
16 FINANCIAL SERVICES, INC. and
17 BANCINSURE, INC.

18 Dated: February 7, 2006

GIBSON DUNN & CRUTCHER LLP

19 By:  _____

20 KIRK A. PATRICK
21 Attorneys for Defendants ZURICH
22 AMERICAN INSURANCE COMPANY,
23 FIDELITY & DEPOSIT COMPANY OF
24 MARYLAND, COLONIAL AMERICAN
25 CASUALTY AND SURETY COMPANY,
26 and EMPIRE INDEMNITY INSURANCE
27 COMPANY

28 Dated: February __, 2006

BARGER & WOLEN LLP

By: _____

LARRY M. GOLUB
Attorneys for Defendants THE
TRAVELERS INDEMNITY COMPANY
OF AMERICA, NORTH AMERICAN
CAPACITY INSURANCE COMPANY,
and GUARANTY NATIONAL
INSURANCE COMPANY

1 Dated: February __, 2006

FRIEDMAN DUMAS & SPRINGWATER LLP

2
3 By: _____

4 GAIL S. GREENWOOD
5 Attorneys for Defendants GREAT
6 AMERICAN INSURANCE COMPANY,
7 GREAT AMERICAN ASSURANCE
8 COMPANY f/k/a AGRICULTURAL
9 INSURANCE COMPANY, and SEATTLE
10 SPECIALTY INSURANCE SERVICES,
11 INC.

12 Dated: February __, 2006

CARLSON, CALLADINE & PETERSON LLP

13 By: _____

14 EDWARD F. DONOHUE
15 Attorneys for Defendants MATTERHORN
16 FINANCIAL SERVICES, INC. and
17 BANCINSURE, INC.

18 Dated: February __, 2006

GIBSON DUNN & CRUTCHER LLP

19 By: _____

20 KIRK A. PATRICK
21 Attorneys for Defendants ZURICH
22 AMERICAN INSURANCE COMPANY,
23 FIDELITY & DEPOSIT COMPANY OF
24 MARYLAND, COLONIAL AMERICAN
25 CASUALTY AND SURETY COMPANY,
26 and EMPIRE INDEMNITY INSURANCE
27 COMPANY

28 Dated: February 4, 2006


BARGER & WOLEN LLP

By:  _____

LARRY M. GOLUB
Attorneys for Defendants THE
TRAVELERS INDEMNITY COMPANY
OF AMERICA, NORTH AMERICAN
CAPACITY INSURANCE COMPANY,
and GUARANTY NATIONAL
INSURANCE COMPANY

1
2 Dated: February 2, 2006

WILSON, ELSER, MOSKOWITZ, EDELMAN
& DICKER LLP

3
4 By: 
5 REBECCA BENHURI
6 Attorneys for Defendant DEERFIELD
INSURANCE COMPANY

7
8 PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

9
10 Dated: _____

11
12 _____
13 Hon. Phyllis J. Hamilton

1
2 Dated: February __, 2006

WILSON, ELSER, MOSKOWITZ, EDELMAN
& DICKER LLP

3
4
5 By: _____

REBECCA BENHURI
Attorneys for Defendant DEERFIELD
INSURANCE COMPANY

6
7
8 PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

9
10 Dated: 2/10/06 _____

